

FILED  
IN CLERKS OFFICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MAY 11 AM 11:36

U.S. DISTRICT COURT  
DISTRICT OF MASS.

PABLO M. RIVERA  
PETITIONER

v.

WARDEN SPAUDLING, FEDERAL MEDICAL CENTER  
DEVENS MA

RESPONDENT

CASE# 20-10776-adb

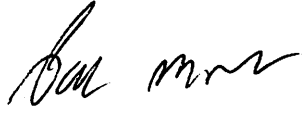
MOTION TO SUPPLEMENT THE RECORD

Now comes Pablo M. Rivera, "the Petitioner" in the above captioned matter, asking that the court supplement the record to show that he has exhausted his administrative remedy.

On May 4, 2020 the social worker at FMC Devens provided Mr. Rivera with a copy of the denial of his request for compassionate release. It is apparent that the denial was signed on April 22, 2020 and received by the Warden on April 16, 2020.

Therefore Mr. Rivera has exhausted his administrative remedy because any appeal will be submitted back to the Warden and the Warden has already made the decision to deny his request.

Respectfully Submitted,



Pablo M. Rivera

Federal Medical Center, Devens MA

PO Box 879

Ayer MA, 01432

CERTIFICATE OF SERVICE

I Pablo M. Rivera, certify that on May 7, 2020 I mailed by First Class Mail, United States Postal Service, a copy of this motion to the clerk of courts for filing and the government will be notified electronically.

Respectfully

May 7, 2020



**RIVERA, Pablo**  
**Reg. No. 05914-122**  
**Camp**

This is in response to your request for Compassionate Release/Reduction in Sentence (RIS) consideration, received on April 17, 2020, wherein you are requesting to be considered for RIS based on concerns about COVID-19. After careful consideration, your request is denied.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the Bureau of Prisons (BOP), to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request has been evaluated consistent with this general guidance.

The BOP is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence. Accordingly, your RIS request is denied at this time.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.

  
\_\_\_\_\_  
RADM S. Spaulding, Warden


4/22/2020  
Date

**FMC DEVENS  
COMPASSIONATE RELEASE NOTIFICATION FORM**

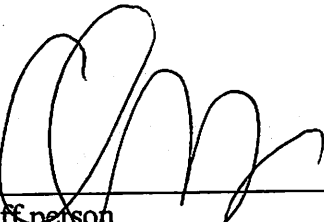
Rivera, Pablo  
Reg. No. 05914-122

On this date, the above individual was informed (verbally and/or in writing) that his request for Compassionate Release (Program Statement 5050.50) was denied.

The above individual was explained the reasons for denial, how to appeal the decision (if applicable), how to reapply for Compassionate Release (if applicable), and understands the processing and current status of his Compassionate Release request, as well as any other pertinent information.

  
\_\_\_\_\_  
Name

5/4/20  
Date

  
\_\_\_\_\_  
Staff person

C. Cozza, LICSW  
Clinical Social Worker  
FMC Devens